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BOX AF
Docket 79909F-P
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Dale F. McIntyre, et al

COMPUTER SOFTWARE
PRODUCT AND SYSTEM FOR
ADVERTISING BUSINESS AND
SERVICES

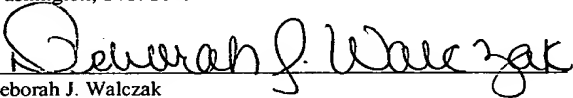
Serial No. US 09/451,315

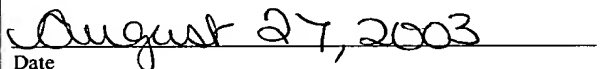
Filed 30 November 1999

Group Art Unit: 3622

Examiner: Jeffrey D. Carlson

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Before the Board of Patent Appeals and Interferences, Washington, D.C. 20231.


Deborah J. Walczak


Date

Commissioner for Patents
Box AF
Washington, D.C. 20231

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SEP 05 2003
GROUP 3600

Sir:

PETITION TO THE COMMISSIONER FOR PATENTS

Applicants hereby petitions the Commissioner to extend the time period for filing of the Reply Brief by one day in the subject application.

Applicants' attorney on the day in which the Reply Brief was due, prepared an put into the mail system at Eastman Kodak Company, the Reply Brief that was due. The Reply Brief was sent to the Mail Room at Eastman Kodak Company wherein the normal procedure is that the mail that is brought down to the Mail Room is sent out that same day. However, due to a situation wherein a new individual was responsible for the mail that day, that individual was not familiar with the normal procedure, and inadvertently unintentionally did not send out the mail that was supposed to have been sent out. Accordingly, the Reply

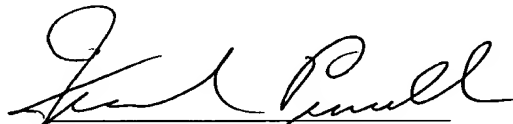
Brief that was due on August 26, 2003 fail to be submitted to the US Postal authority.

As support for this, as can be seen by Exhibit A a copy of the front page of the Reply Brief as placed in the mail yesterday had a certificate of mailing executed by the undersign's legal assistant, that the document was deposited with the United States Postal Service. The typical procedure for placing mail to be sent out was followed in every respect by the Patent Legal Assistant and normally goes out in the mail that day. However, due to a non-normal event, an individual that is not typically involved in sending out the mail was responsible and was not aware that the mail that was placed in a particular bin was to be sent out that day. Accordingly, the mail was inadvertently not sent out on the day it was due.

Accordingly, applicants respectfully requests the Commissioner to extend the time period for filing of the Reply Brief by one day. A new reply brief with an executed certificate of mailing dated today (8-27-03) is being submitted herewith.

Please charge any fees to Eastman Kodak Company Deposit Account No. 05-0225. A duplicate copy of this request is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

Attorney for Applicants
Registration No. 27,370

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Facsimile: (585) 477-4646



Exhibit A

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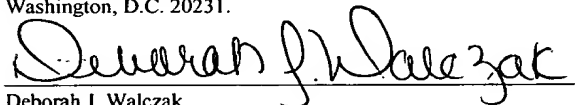
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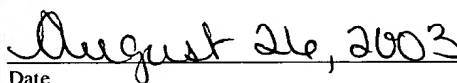
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APPELLANTS' REPLY BRIEF

With regard to the status of the claims, the Examiner is correct that claim 32 was cancelled and not presented for appeal.

The Examiner in the response, argues that applicants' claimed language is broader than applicants' arguments. Applicants respectfully submits that this is not correct. The Examiner takes the position that if the PC supplies the image, than it is supplied by the user. This is not correct. Images that are presented on any PC, especially when hooked up to an Internet, can be supplied by a number of different sources. For example, when an individual logs onto a web site, the images that may be present are supplied by the web site, not by the person visiting the web site. The fact that it is being displayed on the user's PC does not relate directly as to the source of the image. It is quite clear in the cited Small reference that the image being supplied are advertisements provided by the

advertiser. In each of the independent claims of the present invention, it is clear that the images are supplied by the user as discussed in applicants appeal brief. The images supplied by the user in the application are images that have originated from the user. Thus, providing a relevancy to the user as opposed to images supplied by a third party which typically have little or no relevancy to the user. It is respectfully submitted that the mere fact that images are displayed on a PC does not necessarily mean that the images were supplied by the user.

In view of the foregoing and the arguments present in applicants' brief, applicants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of claims 1-33.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

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